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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-sixth session

SUMMARY RECORD OF THE 1386th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 15 March 2000, at 10 a.m.

Chairman: Mr. SHERIFIS

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The meeting was called to order at 10.05 a.m.

THIRD DECADE TO COMBAT RACISM AND RACIAL DISCRIMINATION; WORLD CONFERENCE AGAINST RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE (agenda item 12)

Visit of the High Commissioner for Human Rights

1. The CHAIRMAN welcomed the High Commissioner for Human Rights and said that, at the beginning of the session, the Committee had received the texts of the High Commissioner's statements and press releases on her Office's recent activities in connection with ethnic conflicts, which were of great interest to the Committee as it intended to adopt a decision on that matter. He would be grateful if the Committee could receive such texts as soon as they were issued and therefore requested the High Commissioner to give instructions to that effect.

2. He reiterated the Committee's wish to play a central or, indeed, leading role for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, both during the preparatory phase and at the Conference itself. The Committee was indubitably the most experienced and competent organ in the struggle against discrimination. He recalled that it had adopted a decision on the Conference (decision 5 (55) of 26 August 1999) and had already contributed to preparations for it through the theoretical papers which had been drafted by some members and through the contact group set up for that purpose. The High Commissioner's advice about the Committee's contribution to the Conference would be welcome.

3. Lastly, he thanked the High Commissioner for her support for the proposal to hold the Committee's March sessions in New York and hoped that it could continue to count on her decisive backing to achieve that end.

4. Mrs. ROBINSON (High Commissioner for Human Rights) welcomed the opportunity to exchange views with the Committee on the Elimination of Racial Discrimination, given the importance of its involvement in preparations for the World Conference. She stressed that contact should be maintained with outgoing Committee members so that their services could be enlisted if necessary.

5. From the large number of reports to be examined during the session, it appeared that the steps taken by the Committee to bring pressure to bear on States parties whose reports were long overdue and to achieve greater efficiency in the consideration of reports had already borne fruit. Moreover, arrangements to facilitate the presentation of communications from individuals under article 14 were welcome, since during preparations for the Conference it was necessary to publicize the existence of the communications procedure more widely, so that victims of racist acts knew that they had such a remedy.

6. As part of preparations for the Conference, in February her Office had organized an expert seminar on remedies available to the victims of acts of racism, racial discrimination, xenophobia and related intolerance and on good national practices in that field, in which Committee members had played an active part. She proposed that, at the Conference, the

Committee should help to establish a precise definition of "racist act" by listing the particular forms taken by racism in society, drawing a profile of victims and organizations inciting racial hatred and by assessing public reaction. Another subject to be studied was the appearance of new forms of discrimination which, by their very nature, rendered the task of victims seeking justice even harder.

7. She had closely followed the Committee's work, especially its deliberations with a view to drafting general recommendations on remedies for victims of acts of racial discrimination, gender-related discrimination and lesser forms of discrimination, and noted that at its August session the Committee would examine discrimination against the Roma. She had been made aware of the scale of such discrimination during a visit to Kosovo.

8. In the recent appeal launched by her Office to the international community for backing in the form of voluntary contributions, special emphasis had been placed on support for treaty-monitoring bodies, so that they had the resources to follow up the ever-increasing number of individual complaints.

9. With reference to the Committee's activities regarding prevention, including early warning and urgent procedures, she said that it was extremely important to increase and enhance the capacity of the machinery for protecting human rights to detect and signal potential conflicts or any other situation likely to escalate into violations of human rights. As the Committee had pointed out, such situations were often characterized by a build-up of violence prompted by racial or ethnic hatred or xenophobia. In her report to the Commission on Human Rights, she had quoted the preventive measures developed by the Committee, the only treaty-monitoring body to have done so, as an example of capacity building for prevention at international level.

10. She welcomed the Committee document containing decisions 9 (53) and 5 (55) on the Committee's suggestions, including that concerning a plan of action as an outcome of the Conference, which would be used at the first session of the Preparatory Committee. Preparations had to be practical and action-oriented and the point had been made to her by the body responsible for the five-year review following the Beijing Conference that, when the plan of action was drawn up, thought should be given to methods of effectively reviewing it five years later.

11. She was pleased that, at the fifty-fifth session of the Commission on Human Rights, the Committee had presented six expert papers containing proposals regarding the World Conference and that two further papers had been drawn up that year, one by Mr. Diaconu and Mr. Rechetov on reservations to the Convention, and the other by Ms. McDougall on the gender dimensions of racial discrimination.

12. The World Conference would be held in South Africa, probably from 31 August to 7 September 2001. She hoped to receive information soon about the exact venue, which had not yet been determined. The first meeting of the Preparatory Committee would take place from 1 to 5 May 2000 immediately after the session of the Commission on Human Rights. The 20 or so official documents which had been drawn up for that meeting had kindled considerable and growing interest on the part of Governments, international organizations and non-governmental

organizations. All those texts would be posted in English and French on her Office's Web site and it would thus be possible to follow the progress of the Preparatory Committee's work.

13. Her Office had taken advantage of Human Rights Day on 10 December 1999 to publicize the Conference. She had invited several eminent figures from various walks of life who were striving to further tolerance in their respective fields, such as politics, the promotion of the rights of women and children, literature and music. On 21 March 2000, the International Day for the Elimination of Racial Discrimination, there would be a panel discussion in which the Chairman of the Committee, Ms. McDougall and the Ambassadors of South Africa and Senegal would take part.

14. Her Office had focused its efforts on creating and expanding a Web site for the Conference. In addition, a brochure and two fact sheets were available in three languages. She saw the promotion of the Conference somewhat in terms of an election campaign, where an attempt had to be made in a short time to bring home the importance of the event. Her Office had made strenuous efforts to raise 4 million dollars to finance preparations, although that sum fell short of the amount needed.

15. Her Office would concentrate its activities in particular on a series of expert seminars to be organized during the year in Africa, Asia, Eastern Europe and Latin America, in close association with the economic commissions. The expert seminar for the western group had studied the remedies available to victims. Another seminar on human rights, refugees and multi-ethnic States, in which several Committee members had participated in December 1999, had elicited the interest of Governments and had given rise to a report which would serve as a reference document for the Preparatory Committee.

16. Moreover, the decision had been taken to establish the World Conference secretariat in the Palais Wilson. It would be headed by a former Committee Secretary, Mr. José Gómez del Prado, who would be assisted by a team of five professionals. It would also be necessary to secure the assistance of media experts and to develop closer links with non-governmental organizations in order to sensitize them to the challenges which would have to be met by the Conference organizers. The World Conference was worth the effort because it offered a unique opportunity to combat the scourge of racism, xenophobia, anti-Semitism and all forms of intolerance which, far from disappearing, were re-emerging thanks to new means of communication. That background had to inspire all participants in the preparations and encourage them to work together to ensure that the World Conference was a really outstanding event.

17. The CHAIRMAN thanked the High Commissioner and said that she would be informed by the end of the session of decisions concerning the Committee's contribution to the Conference.

18. Mr. BANTON expressed the hope that the World Conference would not be such a big disappointment as the three decades to combat racism and racial discrimination. The mistake made by States over the years had been to internationalize regional problems without securing sufficient support for their positions. The only global issues were those of migrant workers and

the Internet. The thorniest issues arose at the regional level - as, for example, in the Balkans or the Great Lakes region. The World Conference had to pay greater heed to the regional dimension. It would be desirable for regional action programmes to be drafted jointly by several States assisted by the expert services of the Office of the High Commissioner.

19. Mr. YUTZIS warmly approved the choice of Mr. Gómez del Prado as Conference Secretary.

20. Mr. de GOUTTES endorsed Mr. Yutzis' statement concerning the appointment of Mr. Gómez del Prado.

21. The Committee had expressed the wish to take a central role in preparations for the Conference by proposing subjects, making individual contributions in the form of papers, setting up a three-member contact group and arranging for the participation of Committee members in regional expert seminars. It was essential to strengthen the Committee's presence in the coming months and he particularly hoped that two Committee members, including one from the contact group, would be invited to the first session of the Preparatory Committee, which would be held from 1 to 5 May in Geneva.

22. Mr. SHAHI, drawing attention to the fact that the Secretary-General of the United Nations had publicly acknowledged that both he and the Security Council had committed errors which had made it impossible to prevent the massacres in Bosnia and the genocide in Rwanda, asked the High Commissioner to provide him with information on the reactions of Governments, non-governmental organizations and the international community concerning the need for the Security Council to take urgent steps to prevent the particularly heinous acts of genocide and crimes against humanity. The United Nations should not be content with merely condemning them when it was too late.

23. Mrs. ROBINSON (High Commissioner for Human Rights) agreed with Mr. Banton that the regional dimension was of great importance. Indeed, she had emphasized that point when advising the permanent representatives whom she had recently met in New York of the increasingly regional dimension of her Office's strategies and of the need to arrange regional preparatory meetings in the run-up to the World Conference. She had also told them about forthcoming expert seminars where it would be possible to define the main thrust of regional action programmes.

24. In response to Mr. de Gouttes' suggestion, she said that steps would be taken to ensure that henceforth not only the Committee Chairman, but also a member of the contact group, were invited to participate in the Preparatory Committee meetings.

25. The issue of prevention raised by Mr. Shahi was currently being discussed by the General Assembly and the Security Council. The report on civilians in armed conflict would be reconsidered the following month, for it was increasingly obvious that civilians were in the front line in modern conflicts. The subject of prevention was close to her heart and the report of her

Office to the Commission on Human Rights quoted the measures recommended by the Committee as a good example. Lastly, she would see to it that the Committee received the information requested by Mr. Shahi.

The meeting was suspended at 10.45 a.m. and resumed at 10.55 a.m.

General debate

26. The CHAIRMAN pointed out that the Committee had taken up the matter of its contribution to preparations for the World Conference back in August 1998, and again in March and August 1999. It had then requested the secretariat of the Office of the High Commissioner for Human Rights to assist it in the drafting of reference documents and to supply it with information about the States parties which had amended their constitutions or legislation to bring them into line with the Convention, as well as a list of States parties which had made a declaration under article 14 of the Convention and a list of States parties which had entered reservations thereto. It had likewise requested the secretariat of the Office of the High Commissioner for Human Rights to make an assessment of best practices in combating racial discrimination. That assessment should be ready for the meeting of the Preparatory Committee in May 2000. Furthermore, it had been decided to establish and maintain contact with the regional bodies participating in preparations for the Conference.

27. Ms. RAADI (Coordinator, International Conventions Team, Support Services Branch, Office of the High Commissioner for Human Rights) said that the secretariat had prepared a compilation of concluding observations adopted by the Committee since 1995 after the consideration of the periodic reports of States parties or review procedures, a compilation of the Committee's decisions, declarations and resolutions, including those under the early warning and urgent procedures, and a compilation of information about States parties which had amended their constitutions, legislation and administrative practices or had passed special laws with a view to implementing the Convention. Those documents were available and would be updated if new developments occurred.

28. The CHAIRMAN also stated that in March 1998 the Committee had decided to set up a contact group to follow the preparations for the Conference, keep the Committee informed and make suggestions as to what contribution the Committee could make to that process. It had been decided that the contact group would comprise Mr. Garvalov, Ms. McDougall and Mr. Yutzis. As Mr. Garvalov was no longer a member of the Committee, the Chairman had instructed Mr. Aboul-Nasr to consult the experts about the appointment of new members to the contact group.

29. Mr. ABOUL-NASR said he first wished to remind the secretariat of the Office of the High Commissioner for Human Rights that it was vital to keep the Committee informed, through its Chairman, of all activities, decisions and other matters that concerned the Committee's work. The secretariat seemed to have departed somewhat from that rule. Similarly, no decision should be taken on behalf of the Committee without informing it.

30. That comment applied equally well to the contact group, which had not informed the Chairman, himself at that time, of its activities.

31. Lastly, his consultations had not produced a consensus on the composition of the contact group. He proposed Ms. January-Bardill and Mr. Shahi in addition to the two other members.

32. Mr. YUTZIS, speaking as a member of the contact group, deeply regretted that Mr. Aboul-Nasr, during his term of office as Committee Chairman, had not been regularly informed by the group about the Committee's participation in preparations for the World Conference. The contact group took due note of Mr. Aboul-Nasr's remarks with a view to improving its methods of work in the future.

33. The then chairperson of the contact group, Mr. Garvalov, had submitted to the Committee a report on the group's participation in the deliberations of the sessional open-ended working group of the Commission on Human Rights, which at its last session had discussed preparations for the World Conference. Perhaps that report could be made available to Mr. Aboul-Nasr.

34. With regard to the two new candidates for membership of the contact group proposed by Mr. Aboul-Nasr, he personally would like the Committee to discuss the matter formally and informally, so that a decision could be reached by consensus.

35. Mr. RECHETOV endorsed Mr. Aboul-Nasr's views on decisions taken by the Office of the High Commissioner concerning matters of relevance to the Committee. The Committee had to operate in accordance with democratic principles based on its independence vis-à-vis Governments, but also vis-à-vis the United Nations. The High Commissioner should ensure that any decision concerning the participation of Committee members in activities like preparations for the World Conference should be taken in consultation with the Committee Chairman.

36. Ms. RAADI (Coordinator, International Conventions Team, Support Services Branch, Office of the High Commissioner for Human Rights) said that the concerns of the Committee would be duly conveyed to the High Commissioner, who would certainly take them into consideration. The High Commissioner had recently underlined the importance she attached to the Committee's participation in all activities connected with the World Conference.

37. Mr. de GOUTTES subscribed to Mr. Aboul-Nasr's proposal that the contact group's role be strengthened and that care be taken to ensure that the Committee was properly informed of its activities and the progress of its work. With regard to the appointment of new members to the contact group, he agreed with Mr. Yutzis that further consultations were necessary in order to enable all Committee members to study the matter in more detail.

38. Mr. YUTZIS said that it would be advisable to ascertain whether the report submitted by Mr. Garvalov was available, for it dealt with the contact group's participation in the activities of the sessional open-ended working group of the Commission on Human Rights, that having been its sole official task.

39. Mr. ABOUL-NASR said he was aware that a report of the contact group had been submitted to the Committee, but he was anxious to indicate to Committee members that he felt that the contact group should keep the Committee more widely and more regularly informed about its activities.

40. The CHAIRMAN said that the Committee members had held a useful exchange of views which had made it possible to underline the considerable significance they attached to the Committee's participation in activities linked to the World Conference. That discussion would also help the Committee to streamline its working methods and to continue its deliberations in a marked spirit of cooperation and friendship among its members.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 5) (continued)

Venue of the fifty-ninth session of the Committee

41. The CHAIRMAN said that the World Conference to be held in South Africa in August 2001 would have a considerable impact on the issues which the Committee dealt with under the Convention. The Committee on the Elimination of Discrimination against Women had played a central role in the organization and during the proceedings of the Fourth World Conference on Women held in Beijing in 1995. The Committee could likewise make a useful contribution to the success of the World Conference against Racism. He therefore proposed that the Committee should consider whether the fifty-ninth session scheduled for August 2001 might be held in South Africa so that its members could attend the World Conference to be held during that period in that State party.

42. He did not think that step would have substantial financial implications, but the costs would in any event have to be studied by the secretariat. Nevertheless, since there was no denying that the presence and participation of the Committee would be important for the success of the World Conference and the proper application of the Convention, the possible financial implications should not be an obstacle.

43. Mr. ABOUL-NASR warmly approved of the proposal to hold the Committee's summer session in South Africa in 2001. Any financial implications would certainly be bearable.

44. Mr. YUTZIS fully supported the Chairman's initiative, which should succeed if it received the requisite political support.

45. Mr. FALL subscribed to the Chairman's proposal. Holding a Committee session in South Africa would be highly symbolic in a country which had rid itself of apartheid. The financial implications of providing the necessary conference services for the Committee to function would have to be carefully studied.

46. Mr. de GOUTTES said he thought that the Chairman's proposal was extremely interesting since it would enable the Committee to play a significant role in the preparations for and proceedings of the World Conference. Furthermore, it would certainly be symbolic.

47. Ms. JANUARY-BARDILL heartily supported the Chairman's proposal to hold a Committee session in her country, South Africa. It was necessary to bear in mind not only financial implications, but also the considerable symbolic value of the presence on South African soil of the Committee, which had played an outstanding role in the fight against apartheid, especially since South Africa had entered a new phase of its history that was not free of acts of intolerance and xenophobia.

48. Mr. NOBEL and Mr. VALENCIA RODRIGUEZ warmly supported the Chairman's proposal.

49. Mr. SHAHI congratulated the Chairman. Would the Committee meet during the World Conference? If so, would that concurrence not have substantial financial implications?

50. The CHAIRMAN explained that the Committee would hold the first part of its session before and the second part during the World Conference. Its members would have the possibility of joining in the deliberations of the Conference through action that could be coordinated officially and informally.

51. He took it that the Committee members were unanimously in favour of further examining the possibility of holding the Committee's fifty-ninth session in South Africa in 2001 to coincide with the World Conference against Racism, provided the financial aspects and other issues raised by that proposal were studied with the Office of the High Commissioner for Human Rights.

52. It was so decided.

53. Ms. RAADI (Coordinator, International Conventions Team, Support Services Branch, Office of the High Commissioner for Human Rights) said she would inform the High Commissioner that the Committee wished to hold its August 2001 session in South Africa to coincide with the World Conference against Racism.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 7) (continued)

Twelfth periodic report of Rwanda (CERD/C/335/Add.1) (continued)

54. At the invitation of the Chairman, Mr. Kananura (Rwanda) resumed his place at the Committee table.

55. Mr. KANANURA (Rwanda) said he would first reply to the many questions that had been posed concerning the National Human Rights Commission. That body had been established in the spring of 1999 pursuant to Act No. 04/1999 of 12 March 1999, of which he had a copy that could be made available to the Committee. The Commission's independence was guaranteed under article 2 of the Act. It consisted of seven members - currently two women and five men - chosen for their skills and integrity and without any regard for ethnic origin. The chairman of the Commission, who had ministerial status, and the six other members, who each bore the title of ministry secretary-general, enjoyed immunity under article 10 of the Act. The Commission drew up its own rules of procedure, prepared its own budget and decided on how it should function. It therefore had considerable autonomy.

56. Article 4 (2) of Act No. 04/1999 empowered the Commission to institute legal proceedings when human rights were violated by anyone, including the Government.

57. After training for one short month in Strasbourg and three days at the Office of the United Nations High Commissioner for Human Rights, the Commission members had quickly begun their work, which thus far had consisted mainly of gathering information. In particular, they had held consultations with the main representatives of civil society and had visited Rwanda's 12 prefectures to make inquiries among the population and take stock of the problems. They had seized the opportunity to inform citizens, especially the most disadvantaged, of their rights. Furthermore, they were conducting a survey of prison conditions and monitored cases up to the appeal stage to ensure that the procedures were being properly followed.

58. The Commission had undertaken to fight corruption in the government and to root out maladministrators. However, since it had been in existence for only a year, it had not yet presented an annual report.

59. In answer to the questions that had been raised with respect to the administration of justice, he pointed out that in 1994 the judiciary had been wiped out and had been quite incapable of dealing with the flood of cases that had followed the genocide. Consequently, Rwanda had had to appeal for international assistance to train lawyers and judges. The Government Procurator's Office was currently assisted by 236 judicial police officers, 379 judges and 106 clerks of the court. There were also 1,084 professionals attached to the courts of appeal. Judges were fully independent and the foreigners among them had never complained about interference on the part of the political authorities. The Government's involvement was limited to the appointment of the President of the Supreme Court. However, as in many other countries, the last available remedy for persons after trial was a presidential pardon, which had never been accorded to perpetrators of the genocide because the hurt and wounds of the survivors were still too fresh to even dream of granting such a pardon.

60. The prison situation was a real challenge for the Government and the international community. In 1994 Rwanda had had 19 prisons, including nine that had been built by the Germans during the colonial era, an indication of how antiquated they were. Of course, since the genocide, the prisons had been overcrowded and the Government was trying to find ways of preparing cases for trial as quickly as possible and releasing persons who could be released. Special court divisions had been created to that end.

61. In order to speed up the process, the alleged perpetrators of the genocide had been divided into four categories, namely, instigators and organizers of the genocide, those who had given orders and supervised the massacres, those who had executed the orders, and the petty offenders who had taken advantage of the general state of panic to loot or squat on other people's property. The last two categories could be tried under the traditional justice system of the gacacas, or people's courts, to which Rwandans remained very attached. Under that system, small legal units were to be set up in each commune and justice would be administered by persons chosen by the community for their integrity and wisdom. The most serious cases could be referred to the sector or prefecture level, which would have other gacacas. The Government hoped that recourse to that system would assist in the national reconciliation process and help to empty the prisons as quickly as possible. Another initiative designed to accelerate the process of trying cases was to encourage detainees to confess to their crimes, which would help in

preparing the cases and possibly lighten the sentences of accused persons. That was a very popular measure because a total of 20,527 people had made confessions since it had been introduced.

62. The Rwandan Government had been according special treatment to detained children, especially those who had been younger than 14 when the crimes had been committed, although many of them had been trained to kill and were totally perverted. However, since they could not be held criminally responsible because of their age, those children would not be tried and instead were being sent to a re-education centre in Gitagata. Detained pregnant women also received special treatment and UNICEF was monitoring the situation to ensure that they were properly treated and fed.

63. Those efforts might seem insufficient beside the vast needs to be filled, but the Government could not afford to devote more than 1 per cent of the State budget to prisons because of all its other priorities, including caring for widows and orphans, dealing with the AIDS epidemic and addressing other equally urgent problems. The international community was very quick to criticize but had hardly been generous itself, and the assistance extended to Rwanda had often been ridiculously small compared with the gaping needs. Relying basically on its own efforts, the Government had recently taken two practical initiatives to improve the situation of prison inmates, who could now work outside the prison context, particularly in the reconstruction of homes, to help finance their upkeep. That measure was yielding excellent results and very few prisoners tried to escape. In addition, the decision had been taken to grant prisons plots of land which could be cultivated as kitchen gardens by detainees to improve their everyday fare.

64. With regard to cooperation between Rwanda and the International Criminal Tribunal for Rwanda in Arusha, it should be pointed out that from the time of its establishment in November 1994, the Tribunal had experienced an acute shortage of financial and human resources, and had come under heavy criticism for maladministration and the incompetence of some of its members, who had since been replaced. It was only in 1996, after 12 wanted genocide perpetrators had been arrested, that Rwandans had begun to recognize the value of the Tribunal's work. However, relations had become tense again following the Tribunal's decision in November 1999 to release Jean-Bosco Barayagwiza, one of the instigators of the genocide, "on technical grounds".

65. Turning to the economy, he said that Rwanda's economic situation had improved over the past five years but the trade balance was still negative.

66. With regard to policy aimed at ensuring a balance or fair distribution of Tutsis and Hutus in the State administration, he pointed out that the concept of ethnicity derived from the colonial era. Before the arrival of the colonizers, Rwandans had defined themselves according to their membership of one of the 18 existing clans. It was the colonizers who had for convenience divided the population, very inaccurately, into Hutus and Tutsis. According to current estimates, Tutsis represented 43 per cent of the population and Hutus about 55 per cent. There was much reluctance in Rwanda to reformulating policy on ethnic grounds, in view of the events that had taken place in 1994.

67. Although roadblocks had been set up to curb unrest in the north of the country in 1995 and 1996, internal security could now be said to have been restored. The population enjoyed complete freedom of movement inside the country.

68. There were currently three refugee camps: one for Burundian refugees, another for refugees from the eastern Congo, and the third for refugees from North Kivu. No Rwandans were in those camps.

69. Housing remained a problem because of population growth. The policy on housing being applied today, as in the 1960s, involved grouping the inhabitants in villages that could more easily be provided with social services. That policy also presented an advantage in terms of security. After the exodus prompted by the genocide, the first returnees had been placed in dwellings left vacant. On the return of the owners, however, the Government had had to build centres to accommodate the people whose homes had been destroyed. That was a very costly undertaking and he wished to point out that Rwanda had received hardly any aid from the international community in that connection.

70. Mr. SHAHI said he would like to know what powers were actually vested in the gacacas and whether those institutions could try murderers. He would also like to know how many people had been convicted by such courts.

71. Mr. de GOUTTES inquired whether inmates permitted to work outside a prison during the day were subjected to acts of vengeance.

72. Mr. KANANURA (Rwanda), replying to the question from Mr. Shahi, said that the gacacas were entitled to deal only with the third and fourth categories of cases he had enumerated earlier. He was unable to give any figures because those institutions had not yet begun functioning.

73. As to possible acts of vengeance against inmates leaving prison to work, it should be made clear that the prisoners were accompanied by local police officers. The Government furthermore sought to deter the public from engaging in such acts, notably by imposing severe penalties. Persons whose guilt was beyond doubt often preferred not to venture outside the prison walls. In that context, the gacacas were an exceptional tool for reconciliation of the people, as anyone acquitted by those bodies would no longer have any reason to fear for his safety.

74. Mr. NOBEL (Country Rapporteur) thanked Mr. Kananura for his frank and exhaustive replies, which had made it possible to bring the Committee's information up to date, since the report in fact dated from 1999 and the information it contained reflected the situation in 1997/1998. He noted with satisfaction that many positive developments had taken place. Rwanda's efforts to bring the perpetrators of the most serious crimes to justice and to encourage the establishment of the gacacas were to be welcomed. The Committee hoped to learn more in the next report about progress made with that new project. It should also be recognized that the international community had not responded soon enough at the time to prevent the situation in Rwanda from degenerating and that it had done little since then to help the country in its

reconstruction effort. When it drafted its concluding observations on the report, the Committee would consider the possibility of calling the attention of the international community to the situation in Rwanda.

75. The CHAIRMAN thanked the representative of Rwanda for the frankness of the dialogue. He announced that the Committee had thus concluded its consideration of the twelfth periodic report of Rwanda.

76. Mr. Kananura (Rwanda) withdrew.

The meeting rose at 1 p.m.